REMARKS

Claims 1, 4-11, and 14-38 are all the claims pending in the application. The Examiner rejects claims 1, 4-11, and 14-38 under 35 U.S.C. §103(a) as being unpatentable over Khare et al. (US App. s/n 09/728,199) in view of some combination of Bright (US 6,912,389) and Skog (US 6,427,076).

Applicant respectfully points out that while the Examiner rejected claims 1-38, Applicant has previously cancelled claims 2, 3, and 12-13.

§ 103(a) Rejection

Claims 1, 4-11, and 14-38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Khare et al. (US App. s/n 09/728,199) in view of some combination of Bright (US 6,912,389) and Skog (US 6,427,076). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See*, MPEP 2143.

The present invention relates to a method for operating a mobile communication terminal (terminal) in a data communication service (GPRS) of a global system for mobile communications (GSM). Within a GSM, a terminal registered within a home service area may use the GPRS for receiving data, wherein receiving data may mean being provided with an Internet connection for sending data to and receiving data from the Internet. A terminal registered within a home area is not provided access to the GPRS in any other area unless the terminal is also registered with that area, for example when the terminal is roaming. According to the current art, if terminal tries to access the GPRS while roaming where the terminal is not registered, the terminal receives a reject signal ("reject data") that the terminal stores within its memory. If subsequently, the terminal tries to access the GPRS while in the home area, access is denied because "reject data" is stored in memory. Access to GPRS is not granted until the

"reject data" is deleted from memory manually or by cycling the terminal between on and off states.

The present invention stores the "reject data" as pending, and upon verifying that "reject data" is pending, further checks to determine whether the terminal is registered in the area from which the terminal requests GPRS access. If so, then access is granted, else access is denied.

Claims 1, 11, 21, 28, and 31

The Examiner rejects claims 1, 11, 21, 28, and 31 as being unpatentable over (Khare in view of Skog citing Khare. Khare is drawn to a method for displaying whether the current system, in which a terminal is presently operating, offers data service connectivity Khare, Abstract). Upon receiving a call origination from a terminal, the base station serving area in which the terminal is located will respond to the terminal that data service is available (Khare, paragraph 0037) and the terminal displays an icon indicating that data service is available (Khare, paragraph 0039). Receiving an indication that the data service is available does not indicate that data service will be provided. Reasons that service may not be provided are system overload, incompatibility between the base station and terminal options, or accounting or registrations problems (Khare, paragraph 0039). Khare teaches that the base station <u>provides an indication for display</u> on a terminal that a data service is available, and Khare's base stations provides the indication when the terminal powers up or changes location (Khare, paragraph 0046).

Each of the independent claims recite the limitations of <u>determining whether reject data (a reject flag) is stored in the terminal, and providing data service if no reject data is stored or if the terminal is located in the home area</u>. The Examiner cites Khare, paragraphs 0031-0032, for teaching the limitation of determining whether reject data is stored in a terminal, however according to the cited paragraphs, Khare teaches only updating an icon on a terminal according to whether a data service is available, not checking a reject flag on a terminal. Khare by itself does not teach the limitations of checking reject data stored on a terminal and taking further action based on the reject data status and terminal location.

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The Examiner cites Skog for teaching reject data being stored on a terminal (Skog, col. 5, lines 25-30 and col. 6, lines 1-15). Skog is directed to updating subscriber data on a terminal when the terminal is first turned on, moves from one area to another, or otherwise requires updating (Skog, col. 2, lines 3-7). Skog uses Unstructured Supplementary Service Data (USSD), which is a text based protocol, to update and manage user services such as call forwarding or call barring (Skog, col. 4, lines 16-32). In updating the subscriber data, the mobile switch center (MSC) sends a USSD message to the terminal and the terminal stores the data in the terminal's memory (Skog, col. 6, lines 21-24 and lines 41-45).

Skog does not teach the limitations of checking reject data stored on a terminal and taking further action based on the reject data status and terminal location. Skog updates subscriber data when, among other reasons, the terminal moves from one are to another, but Skog does not teach checking the data stored on a terminal (there is no need because the MSC transmits the data to the terminal) to determine whether to provide a data service based upon the data stored on the terminal and the location of the terminal. Skog teaches that the subscriber information is stored at the MSC as well as the terminal; therefore it is not necessary to query the terminal regarding subscriber data.

Even if Khare and Skog are combined, Khare and Skog, taken alone or in combination, do not teach the limitations of checking reject data stored on a terminal and taking further action based on the reject data status and terminal location as recited in the independent claims. Bright also fails to provide this limitation. For at least this reason, a *prima facie* case for obviousness must fail.

Applicant amends claim 21 with the limitations of claim 22, cancels claim 22, and for the reasons stated above, assert that claim 21 as amended is now allowable. Because the *prima facie* case for obviousness has not been made, Applicant respectfully requests reconsideration and withdrawal of the rejection and respectfully requests allowance of claims 1, 11, 21, 28, and 31, and all claims dependent therefrom.

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<u>Dependent claims 4-10, 14-20, 23-27, 29-30 and 32-38</u>

Each of the above listed dependent claims depends from a now allowable independent claim and is therefore allowable. Applicant respectfully request reconsideration and withdrawal of the rejections.
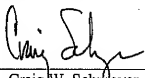
CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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Date: July 18, 2006   By: _____

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